



Gavin Newsom, Governor

Meeting of the Board for Professional Engineers, Land Surveyors, and Geologists

Board for Professional Engineers,
Land Surveyors, and Geologists

Thursday, November 16, 2023, beginning at 9:00 a.m.,
and continuing Friday, November 17, 2023,
if necessary



Carpinteria Sanitary District, Boardroom
5300 Sixth Street
Carpinteria, CA 93013

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MEETING OF THE BOARD FOR PROFESSIONAL ENGINEERS, LAND SURVEYORS, AND GEOLOGISTS

BOARD MEETING

NOVEMBER 16-17, 2023

Carpinteria Sanitary District, Boardroom
5300 Sixth Street
Carpinteria, CA 93013

BOARD MEMBERS

President Michael Hartley; Vice-President Christina Wong; Fel Amistad; Alireza Asgari; Rossana D'Antonio; Cristina Garcia; Coby King; Guillermo Martinez; Betsy Mathieson; Frank Ruffino; Wilfredo Sanchez; and Fermin Villegas

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III. Public Comment for Items Not on the Agenda NOTE: The Board cannot discuss or take action on any matter raised during this public comment section, except to decide whether to place the matter on the agenda of a future meeting. (Government Code sections 11125, 11125.7(a).) The Board will also allow for public comment during the discussion of each item on the agenda and will allow time for public comment for items not on the agenda at the beginning of both days of the meeting. Please see the last page of this Official Notice and Agenda for additional information regarding public comment.	9
IV. Hearing on the Petition for Reduction or Modification of Probation of Robert G. Martinez NOTE: This hearing will be held on Thursday, November 16, 2023, beginning at 9:00 a.m., or as soon thereafter as the matter may be heard.	11
V. Closed Session – The Board will meet in Closed Session to discuss, as needed: A. Deliberate on a Decision(s) to be Reached in a Proceeding(s) Required to be Conducted Pursuant to Chapter 5 (commencing with Section 11500), as Authorized by Government Code Section 11126(c)(3). B. Confer with, or Receive Advice from, Its Legal Counsel Regarding Pending Litigation Pursuant to Government Code Section 11126(e)(1) and (2)(A), on the following matters: 1. <u>Ryan Crownholm, et al. vs. Richard B. Moore, et al.</u> , United States District Court, Eastern District of California, Case No. 2:22-cv-01720-DAD-CKD 2. <u>Roy Allen Olsen, et al. v. California Board of Professional Engineers, Land Surveyors and Geologists, et al.</u> , Sacramento County Superior Court. Case No. 34-2022-00328379 NOTE: The Board will meet in Closed Session immediately following the Hearing on the Petition for Reduction or Modification of Probation to decide that matter, pursuant to Government Code Section 11126(c)(3).	13

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I. Roll Call to Establish a Quorum

II. Pledge of Allegiance

III. Public Comment for Items Not on the Agenda

IV. Hearing on the Petition for Reduction or Modification of Probation of Robert G. Martinez

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VI. Administration

A. Fiscal Year 2023/24 Budget Report

GUIDE TO READING THE REVENUE REPORT AND EXPENDITURE REPORT

Revenues

Fee increase effective January 1, 2021 has had a positive impact on revenues. Total revenue up \$1,276,880 (25%) over prior period.

Current Year Projections
Identifies the revenue amount that BPELSG projects for FY 21-22.

Revenue Category	PRIOR YEAR FY 2020-21 FM 4	CURRENT YEAR FY 2021-22 FM 4	CURRENT YEAR Projections
Delinquent Fees	\$38,696	↑ \$51,464	\$150,076
Other Regulatory Fees	\$32,130	↑ \$39,578	\$102,138
Other Regulatory Licenses & Permits	\$297,960	↑ \$645,747	\$1,743,588
Other Revenue	\$20,822	↓ \$10,486	\$51,328
Renewal Fees	\$3,415,953	↑ \$4,335,166	\$10,269,519
Total	\$3,805,560	↑ \$5,082,440	\$12,316,649

Revenue Category
Provides the name of the line item where our revenues occur.

Prior Year
Revenue collected up to FM 4 in October of 2020.

Arrows
These indicate a change in the current year over prior year. Up/green arrows indicate an increase and down/red arrows indicate a decrease over the prior period.

Current Year
Revenue collected up to FM 4 in October of 2021.

Department of Consumer Affairs
Expenditure Projection Report

Fiscal Month: 4
Fiscal Year: 2021 - 2022
Run Date: 12/09/2021

Fiscal Month
Identifies the expenditures up to October 2021

Fiscal Year
Identifies the current year

Run Date
Identifies the date this report was pulled from QBIRT

CY 21-22 YTD + Encumbrance
Provides a FM 4 total of YTD Actual and Encumbrance.

Governor's Budget
Publication that the Governor presents which identifies the current year authorized expenditures.

PERSONAL SERVICES

Notes	Fiscal Code	PY 20-21 FM 4 YTD + Encumbrance	CY 21-22 FM 4 YTD + Encumbrance	Governor's Budget	Percent of Governor's Budget Spent	Projections to Year End
1	5100 PERMANENT POSITIONS	\$955,435	\$1,077,755	\$3,425,000	31%	\$3,389,367
	5100 TEMPORARY POSITIONS	\$35,155	\$45,403	\$232,000	20%	\$130,000
	5105-5108 PER DIEM, OVERTIME, & LUMP SUM	\$600	\$38,876	\$36,000	108%	\$48,476
	5150 STAFF BENEFITS	\$559,421	\$618,030	\$1,703,000	36%	\$1,812,693
	PERSONAL SERVICES	\$1,550,611	\$1,780,065	\$5,396,000	33%	\$5,380,536

OPERATING EXPENSES & EQUIPMENT

2	5301 GENERAL EXPENSE	\$23,898	\$22,392	\$32,000	70%	\$71,871
3	5302 PRINTING	\$24,766	\$69,808	\$26,000	268%	\$33,966
	5304 COMMUNICATIONS	\$4,452	\$3,384	\$15,000	23%	\$20,777

Object Description
Provides the name of the line item where our expenditures occur.

PY 20-21 YTD + Encumbrance
Provides a FM 4 total of YTD Actual and Encumbrance.

Percent of Governor's Budget spent
Identifies the percentage spent at CY 21-22 FM 4 according to the Governor's Budget.

Projections to Year End
Identifies the expenditure amount that BPELSG projects for FY 21-22.

	OPERATING EXPENSES & EQUIPMENT	\$3,239,095	\$2,474,539	\$6,831,000	36%	\$5,308,996
	OVERALL TOTALS	\$4,789,706	\$4,254,604	\$12,227,000	35%	\$10,689,532

*Does not include additional Architecture Revolving Fund Expenses TBD

SURPLUS/(DEFICIT): 13%

Surplus/(Deficit)
Identifies if we have higher revenue and lower expenses (Surplus) or higher expenses and lower revenue (Deficit). This percentage is calculated using (Governor's Budget-Projections to Year End)/ Governor's Budget.

FINANCIAL REPORT

FISCAL YEAR 2023-24 FISCAL MONTH 3 FINANCIAL STATEMENT

Revenues

Total revenue is up \$1,021,468 (23%) over prior year 2021-22. Current Fiscal Year 2023-24 is a high volume year for renewals therefore we are comparing it to Prior Year 2021-22 due to it also being a high volume year for renewals.

Revenue Category	PRIOR YEAR FY 2021-22 FM 3	PRIOR YEAR FY 2022-23 FM 3	CURRENT YEAR FY 2023-24 FM 3	CURRENT YEAR FY 2023-24 PROJECTION
Delinquent Fees	\$39,514	\$42,614	\$33,660	\$138,602
Other Regulatory Fees	\$28,278	\$24,060	\$17,860	\$106,139
Other Regulatory Licenses & Permits	\$562,617	\$499,081	\$564,725	\$2,213,341
Other Revenue	\$4,159	\$6,169	\$2,422	\$16,950
Renewal Fees	\$2,723,530	\$2,501,678	\$3,760,897	\$10,066,124
Total	\$3,358,096	\$3,073,601	\$4,379,564	\$12,541,156

Reimbursements as of FM3 totaled \$42,182 including \$14,798 in Background Checks, and \$27,384 in Cost Recovery. Background check expenses are included in the General Expense category.

**Department of Consumer Affairs
Expenditure Projection Report**

Fiscal Month: 3

Fiscal Year: 2023 - 2024

Run Date: 10/25/2023

PERSONAL SERVICES

Notes	Fiscal Code	PY 22-23 FM 3 YTD + Encumbrance	CY 23-24 FM 3 YTD + Encumbrance	Governor's Budget	Percent of Governor's Budget Spent	Projections to Year End
1	5100 PERMANENT POSITIONS	\$830,166	\$879,248	\$3,680,000	24%	\$3,590,637
	5100 TEMPORARY POSITIONS	\$30,999	\$1,191	\$232,000	1%	\$2,000
	5105-5108 PER DIEM, OVERTIME, & LUMP SUM	\$2,700	\$2,100	\$37,000	6%	\$14,700
	5150 STAFF BENEFITS	\$515,011	\$537,577	\$1,944,000	28%	\$2,154,382
	PERSONAL SERVICES	\$1,378,875	\$1,420,116	\$5,893,000	24%	\$5,761,719

OPERATING EXPENSES & EQUIPMENT

2	5301 GENERAL EXPENSE	\$34,855	\$15,311	\$32,000	48%	\$80,000
	5302 PRINTING	\$51,937	\$77,304	\$26,000	297%	\$104,503
	5304 COMMUNICATIONS	\$1,912	\$1,761	\$15,000	12%	\$18,600
	5306 POSTAGE	\$2,343	\$27,848	\$36,000	77%	\$28,000
	5308 INSURANCE	\$0	\$0	\$0	0%	\$65
	53202-204 IN STATE TRAVEL	\$4,636	\$2,952	\$22,000	13%	\$38,850
	53206-208 OUT OF STATE TRAVEL	\$0	\$0	\$0	0%	\$0
	5322 TRAINING	\$0	\$0	\$15,000	0%	\$0
3	5324 FACILITIES*	\$434,341	\$446,373	\$377,000	118%	\$447,373
4	53402-53403 C/P SERVICES (INTERNAL)	\$155,991	\$164,817	\$1,127,000	15%	\$739,500
5	53404-53405 C/P SERVICES (EXTERNAL)	\$1,650,071	\$2,341,782	\$3,639,000	64%	\$3,826,220
6	5342 DEPARTMENT PRORATA	\$945,000	\$1,000,500	\$2,001,000	50%	\$2,001,000
7	5342 DEPARTMENTAL SERVICES	\$257	\$268	\$27,000	1%	\$27,000
	5344 CONSOLIDATED DATA CENTERS	\$18	\$22	\$22,000	0%	\$22,000
	5346 INFORMATION TECHNOLOGY	\$25,355	\$48,986	\$94,000	52%	\$57,449
	5362-5368 EQUIPMENT	\$14,588	\$16,840	\$0	0%	\$59,826
	5390 OTHER ITEMS OF EXPENSE	\$12	\$0	\$3,000	0%	\$20
	54 SPECIAL ITEMS OF EXPENSE	\$0	\$0	\$0	0%	\$2,000
	OPERATING EXPENSES & EQUIPMENT	\$3,321,316	\$4,144,763	\$7,436,000	56%	\$7,452,457
	TOTALS	\$4,700,192	\$5,564,880	\$13,329,000	42%	\$13,214,176
8	4840-4850 REIMBURSEMENTS					\$108,000
	OVERALL TOTALS & REIMBURSEMENTS					\$13,106,176

Expenditure Report Notes

- 1 Salary & Wages (Staff)** - The projected expenditures for salaries and wages is due to the Board being almost fully staffed, and includes merit salary adjustments and the bargaining unit agreements effective July 1, 2023.
- 2 General Expenses** - Includes Membership and Subscription Fees, Freight and Drayage, Office Equipment - Maintenance, Office Supplies, and DOJ and FBI fees for background checks which are reimbursed. Scheduled background check reimbursements through FM 3 are at \$14,798.
- 3 Facilities Operations** - Includes facilities maintenance, facilities operations, janitorial Services, rent and leases, exam rental sites, and security.
- 4 C&P Services Interdepartmental** - Includes all contract services with other state agencies for examination services (Dept. of Conservation and Water Resources). This line item also now includes enforcement expenses for the Attorney General and the Office of Administrative Hearings.
- 5 C&P Services External** - Includes all external contracts (examination development, expert consultant agreements, and credit card processing). This includes a preliminary estimate of \$749k in costs associated with the business modernization project.
- 6 DCA Pro Rata** - Includes distributed costs of programmatic and administrative services from DCA.
- 7 Departmental Services (Interagency Services)** - Includes pay-per-services billed through the Department of General Services.
- 8 Reimbursements** - Includes Reimbursements-Private Sectors, Fingerprint Reports, US Cost Recovery, and US DOI Civil Case.

0770 - Professional Engineer's, Land Surveyor's and Geologist's Fund

Analysis of Fund Condition

Prepared 10/25/2023

(Dollars in Thousands)

PY 22-23 Actuals & CY 23-24 FM 3	Actual 2022-23	CY 2023-24	BY 2024-25	BY+1 2025-26
BEGINNING BALANCE	\$ 3,405	\$ 2,482	\$ 1,153	\$ -1,174
Prior Year Adjustment	\$ 285	\$ -	\$ -	\$ -
Adjusted Beginning Balance	\$ 3,690	\$ 2,482	\$ 1,153	\$ -1,174
REVENUES, TRANSFERS AND OTHER ADJUSTMENTS				
Revenues:				
4121200 Delinquent fees	\$ 169	\$ 139	\$ 141	\$ 139
4127400 Renewal fees	\$ 9,047	\$ 10,066	\$ 9,303	\$ 10,066
4129200 Other regulatory fees	\$ 81	\$ 106	\$ 94	\$ 106
4129400 Other regulatory licenses and permits	\$ 1,940	\$ 2,213	\$ 2,170	\$ 2,213
4163000 Income from surplus money investments	\$ 139	\$ 26	\$ 27	\$ 0
4171400 Escheat of unclaimed checks and warrants	\$ 18	\$ 17	\$ 18	\$ 17
4172500 Miscellaneous revenues	\$ 1	\$ 1	\$ 1	\$ 1
Totals, Revenues	\$ 11,395	\$ 12,568	\$ 11,754	\$ 12,543
Operating Transfers to General Fund per EO E 21/22 - 276 Revised (AB 84)	\$ -	\$ -	\$ -	\$ -
Totals, Transfers and Other Adjustments	\$ 11,395	\$ 12,568	\$ 11,754	\$ 12,543
Totals, Revenues, Transfers and Other Adjustments	\$ 15,085	\$ 15,050	\$ 12,907	\$ 11,369
EXPENDITURES				
Disbursements:				
1111 Department of Consumer Affairs (State Operations)	\$ 11,545	\$ 13,106	\$ 13,499	\$ 13,904
9892 Supplemental Pension Payments (State Operations)	\$ 209	\$ 209	\$ -	\$ -
9900 Statewide General Administrative Expenditures (Pro Rata) (State Operations)	\$ 849	\$ 582	\$ 582	\$ 582
Less funding provided by General Fund (State Operations)	\$ -	\$ -	\$ -	\$ -
Total Disbursements	\$ 12,603	\$ 13,897	\$ 14,081	\$ 14,486
FUND BALANCE				
Reserve for economic uncertainties	\$ 2,482	\$ 1,153	\$ -1,174	\$ -3,118
Months in Reserve	2.1	1.0	-1.0	-2.6

NOTES:

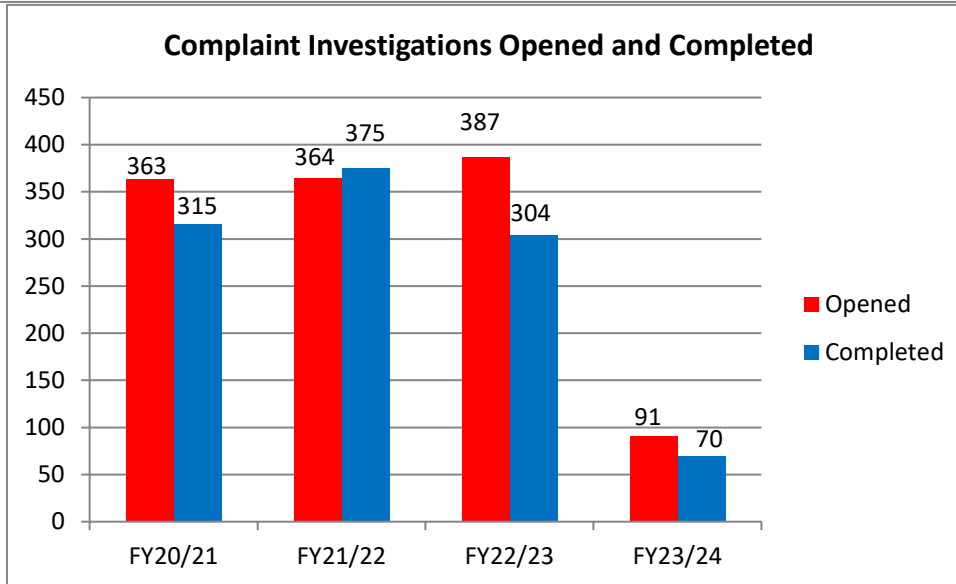
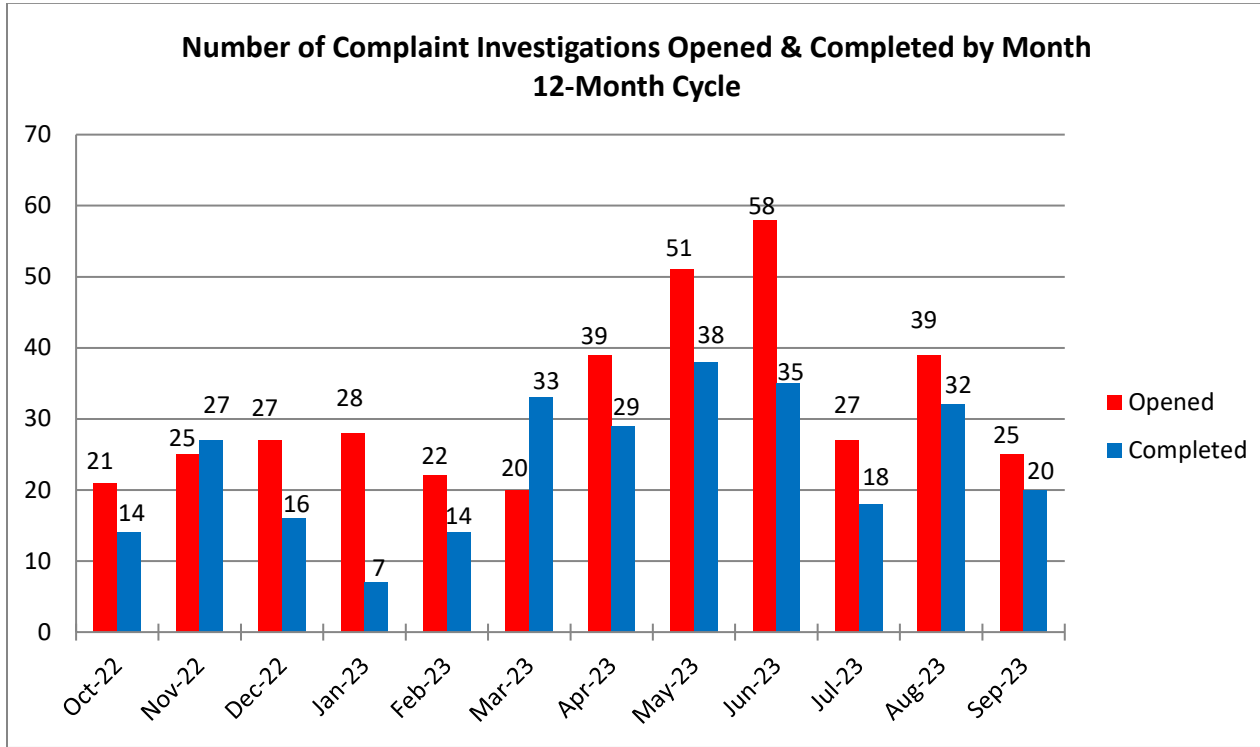
A. ASSUMES WORKLOAD AND REVENUE PROJECTIONS ARE REALIZED IN BY AND ON-GOING.

B. ASSUMES APPROPRIATION GROWTH OF 3% PER YEAR BEGINNING IN BY AND BY+1

VII. Enforcement

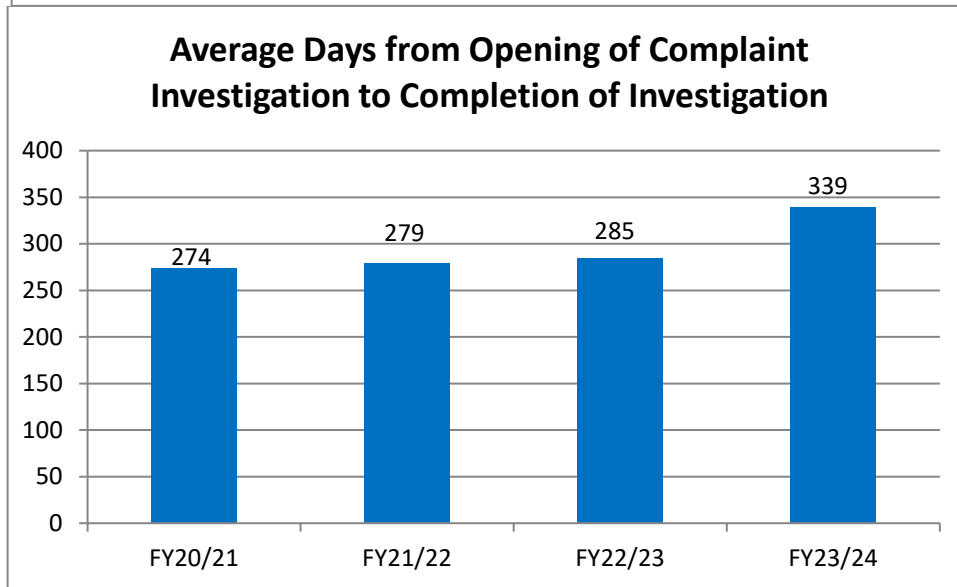
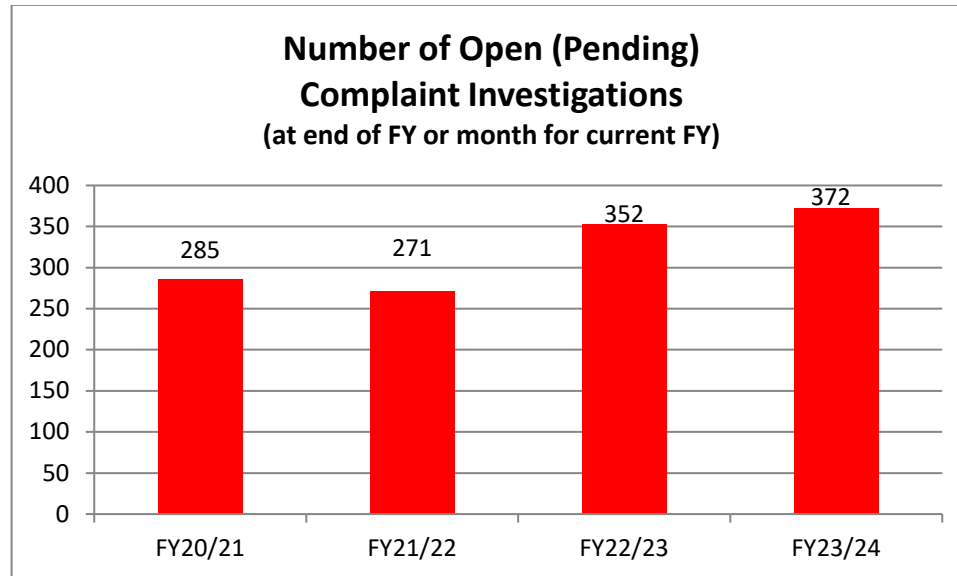
- A. Enforcement Statistical Reports
 - 1. Fiscal Year 2023/24 Update

Complaint Investigation Phase



NOTE: FY23/24 statistics are through September 30, 2023

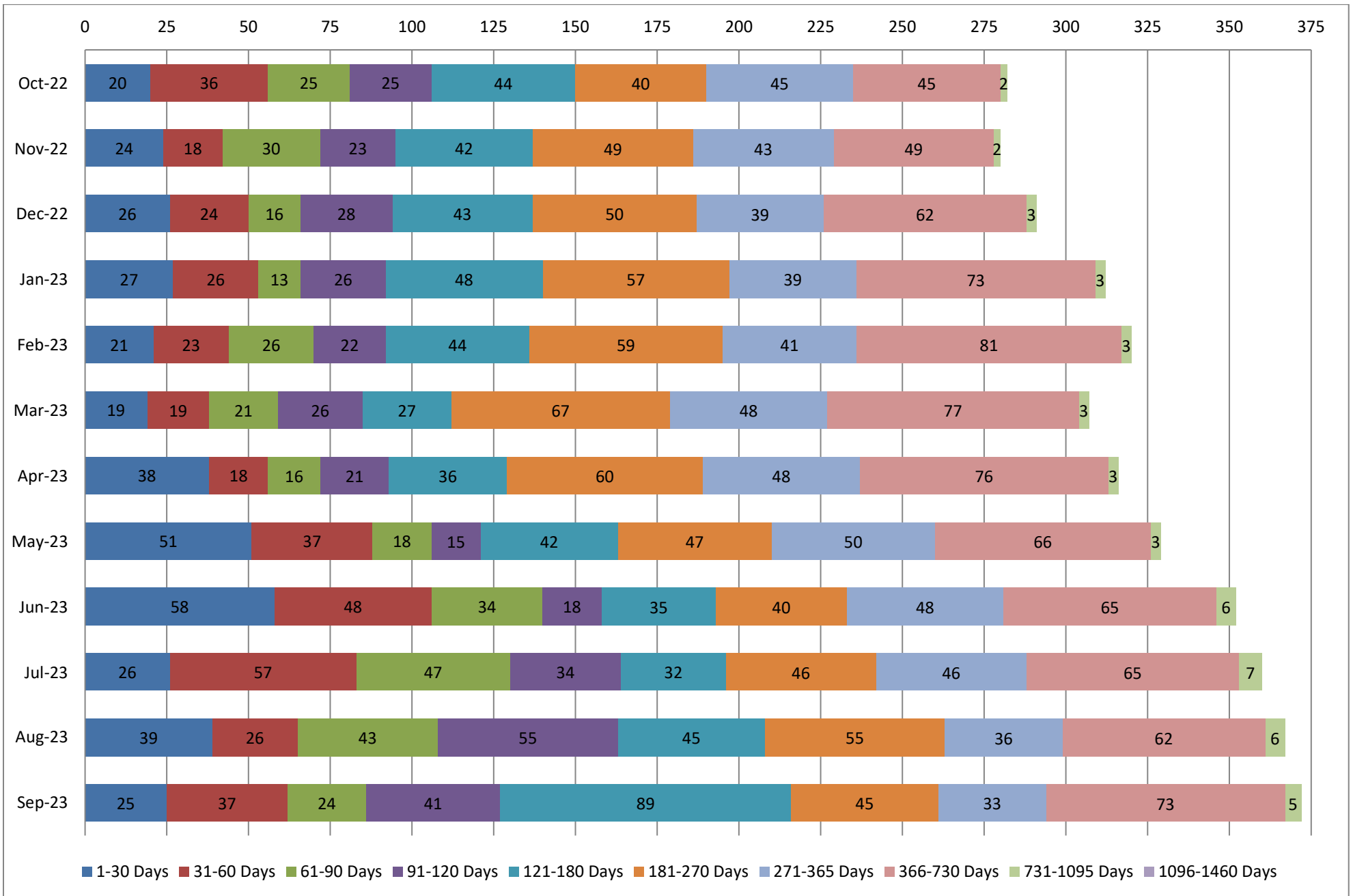
Complaint Investigation Phase



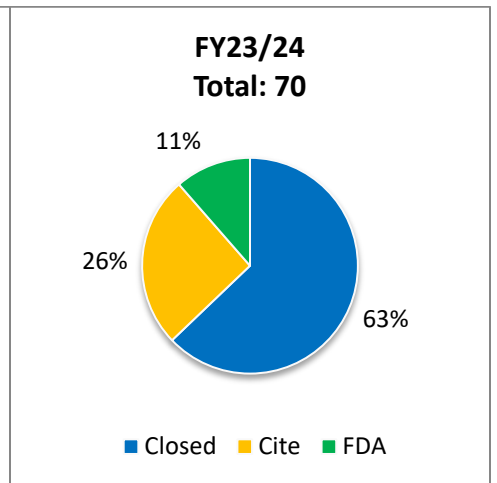
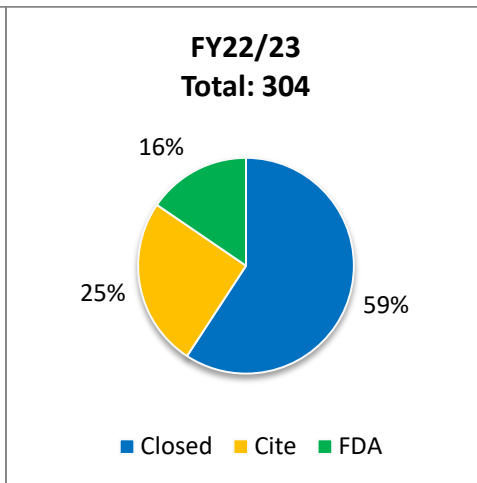
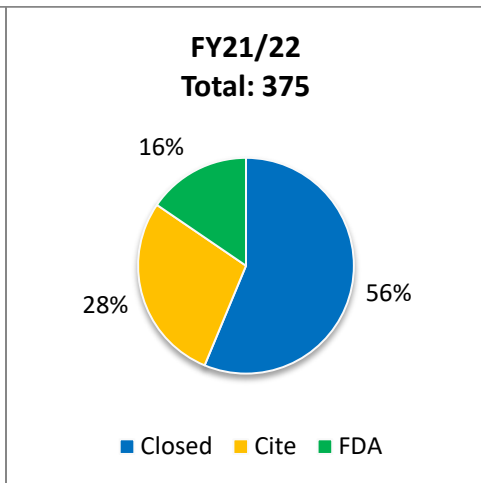
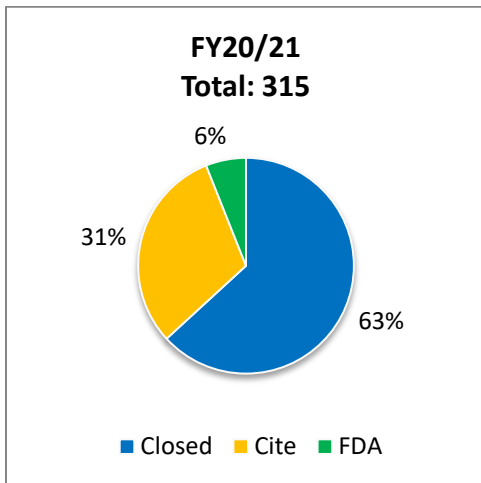
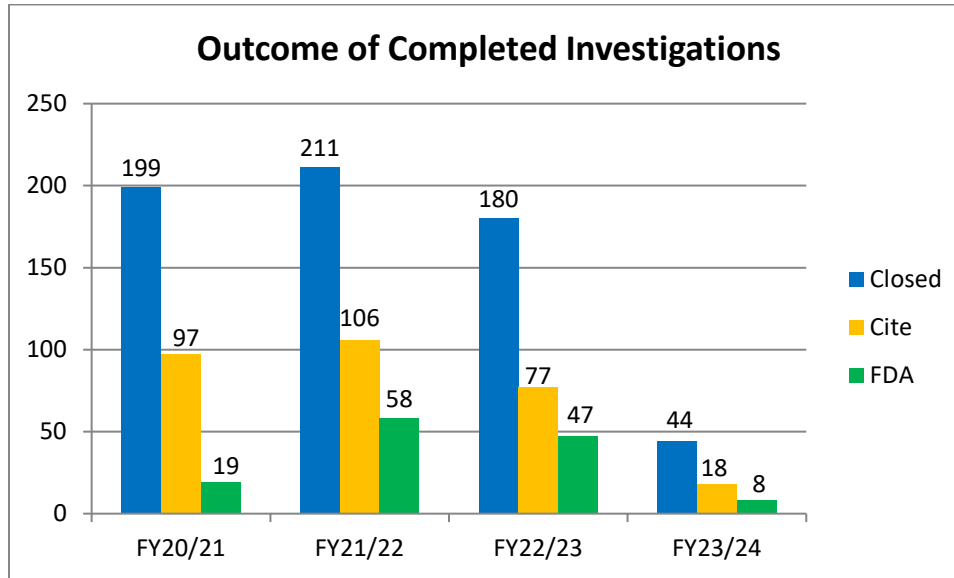
NOTE: FY23/24 statistics are through September 30, 2023

Complaint Investigation Phase

Aging of Open (Pending) Complaint Investigation Cases – 12-Month Cycle



Complaint Investigation Phase Outcome of Completed Investigations



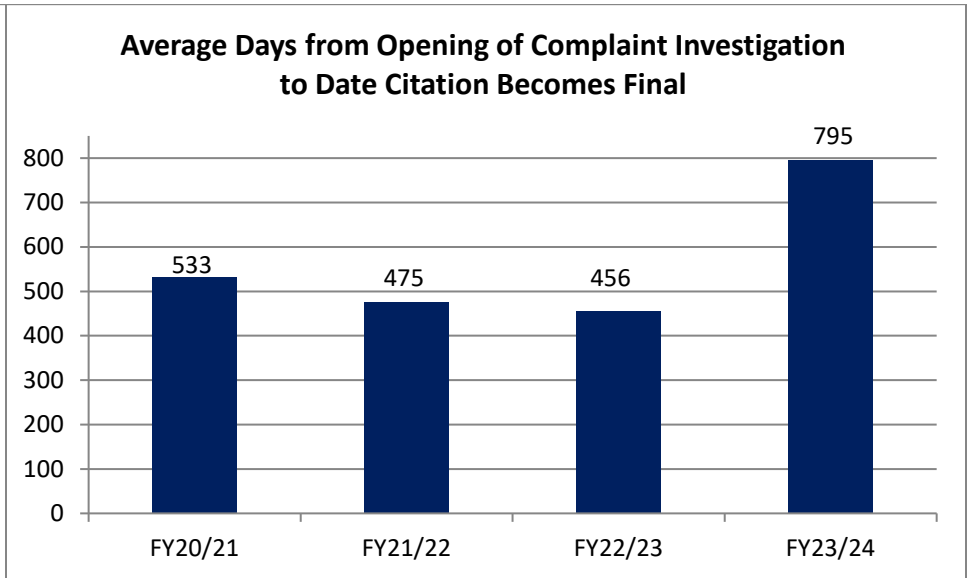
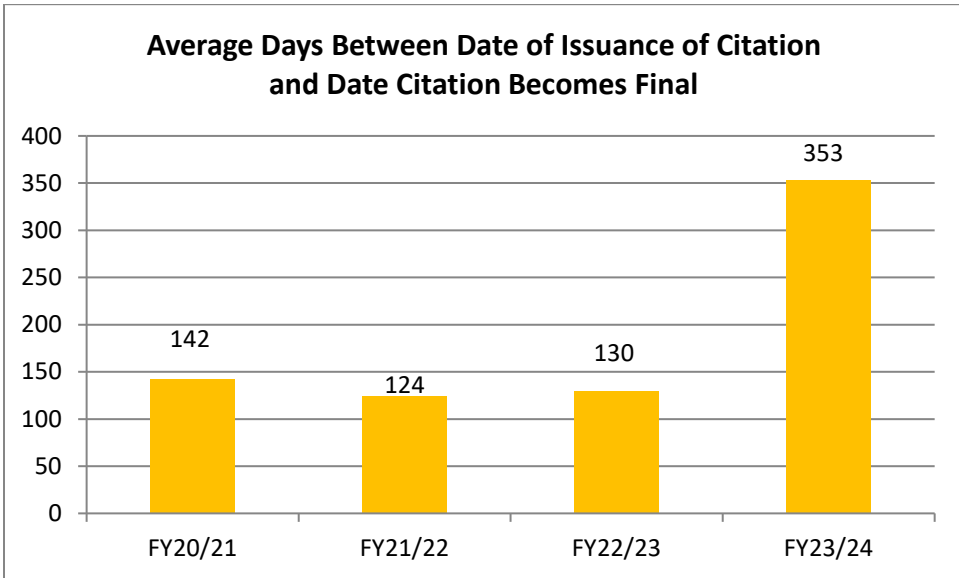
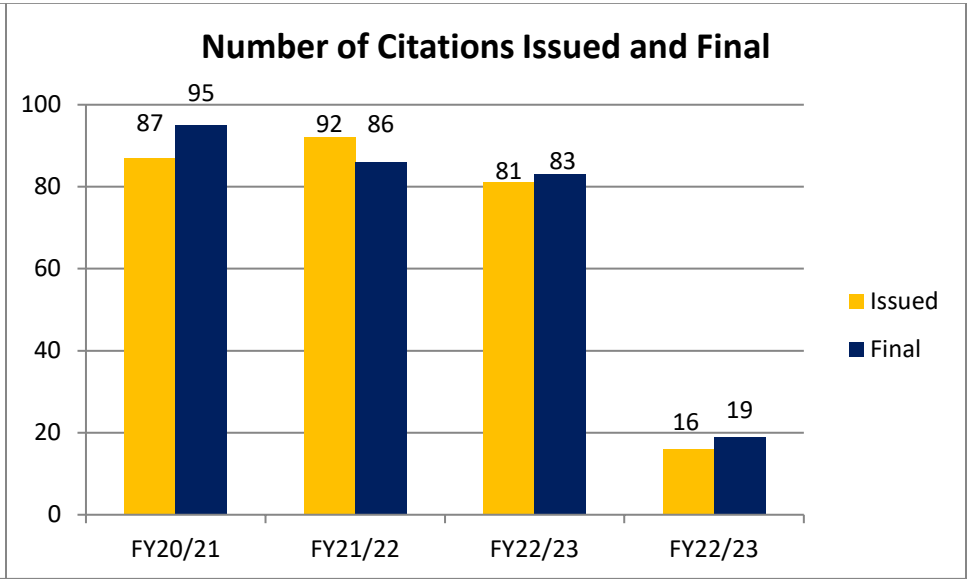
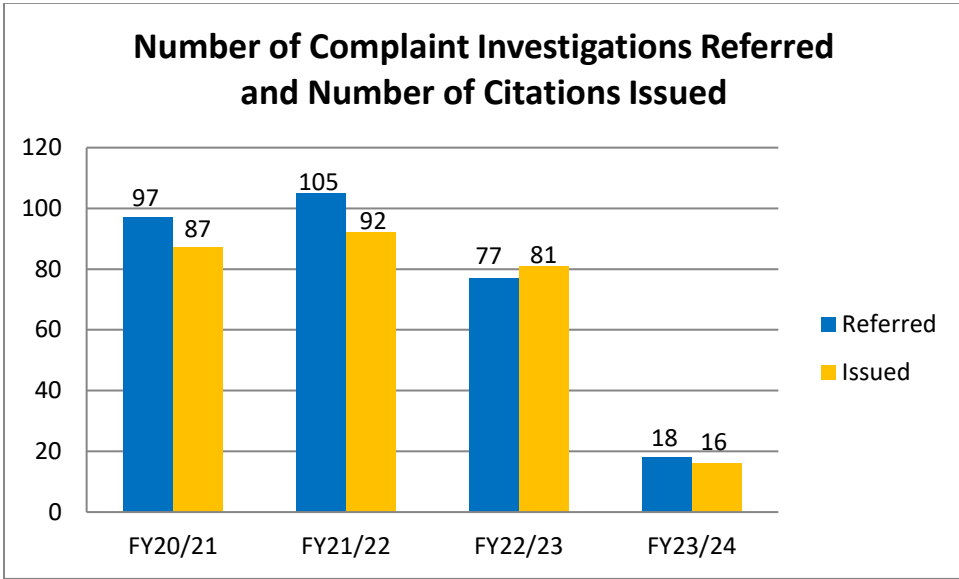
NOTE: FY23/24 statistics are through September 30, 2023

Closed with No Action Taken, includes No Violation/Insufficient Evidence; Compliance Obtained; Warning Letter; Other Reason for Closing Without Action (e.g., subject deceased); Resolved After Initial Notification; Referred to District Attorney with Request to File Criminal Charges; and Mediated.

Cite = Referred for Issuance of Citation

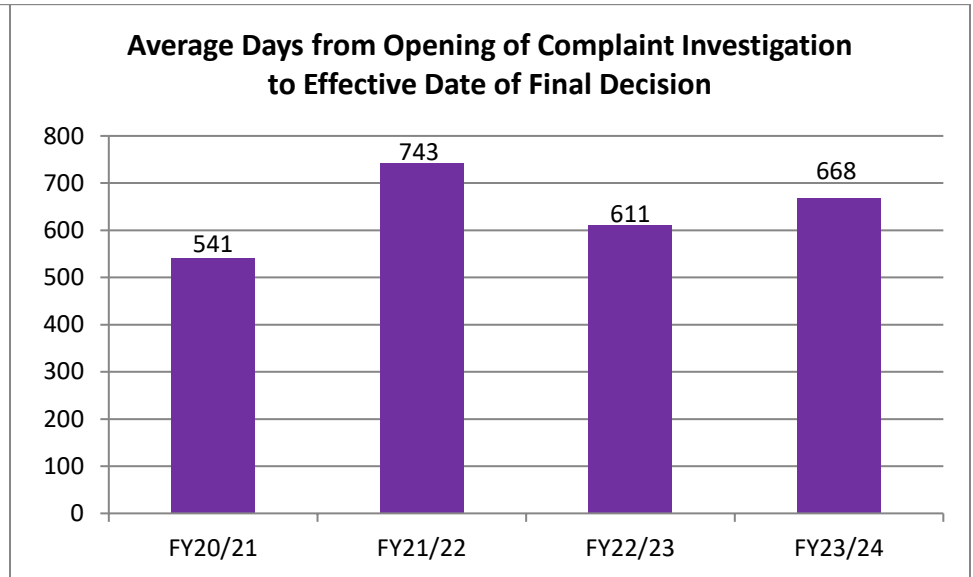
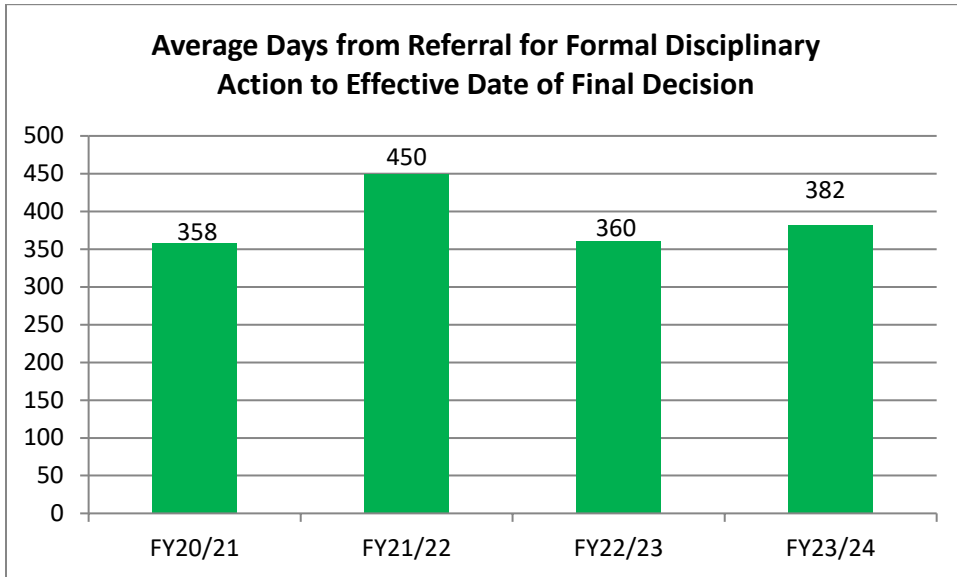
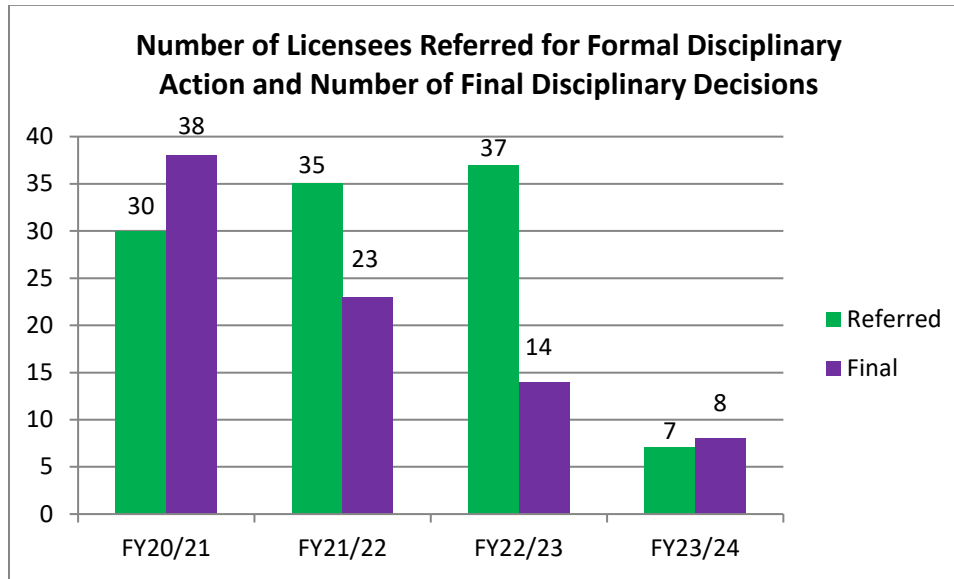
FDA = Referred for Formal Disciplinary Action

Citations (Informal Enforcement Actions)



NOTE: FY23/24 statistics are through September 30, 2023

Formal Disciplinary Actions Against Licensees



NOTE: FY23/24 statistics are through September 30, 2023

Complaint Investigation Phase

Number of Complaint Investigations Opened & Completed by Month 12-Month Cycle

Month	Complaint Investigations Opened	Complaint Investigations Completed
October 2022	21	14
November 2022	25	27
December 2022	27	16
January 2023	28	7
February 2023	22	14
March 2023	20	33
April 2023	39	29
May 2023	51	38
June 2023	58	35
July 2023	27	18
August 2023	39	32
September 2023	25	20

Complaint Investigations Opened and Completed Total by Fiscal Year

Fiscal Year	Complaint Investigations Opened	Complaint Investigations Completed
2020/21	363	315
2021/22	336	350
2022/23	387	304
2023/24	91	70

Current Fiscal Year through September 30, 2023

Number of Open (Pending) Complaint Investigations (at end of FY or month for current FY)

Fiscal Year	Number of Open (Pending) Complaint Investigations
2020/21	285
2021/22	268
2022/23	352
2023/24	372

Current Fiscal Year through September 30, 2023

Complaint Investigation Phase

Average Days from Opening of Complaint Investigation to Completion of Investigation (at end of FY or month for current FY)

Fiscal Year	Average Days
2020/21	274
2021/22	278
2022/23	285
2023/24	339

Current Fiscal Year through September 30, 2023

Outcome of Completed Investigations

Fiscal Year	# Closed	% Closed	# Cite	% Cite	# FDA	% FDA
2020/21	199	63%	97	31%	19	6%
2021/22	191	55%	102	29%	57	16%
2022/23	180	59%	77	25%	47	16%
2023/24	44	63%	18	26%	8	11%

Current Fiscal Year through September 30, 2023

Closed = Closed with No Action Taken, includes No Violation/Insufficient Evidence; Compliance Obtained; Warning Letter; Other Reason for Closing Without Action (e.g., subject deceased); Resolved After Initial Notification; Referred to District Attorney with Request to File Criminal Charges; and Mediated.

Cite = Referred for Issuance of Citation

FDA = Referred for Formal Disciplinary Action

Complaint Investigation Phase

Aging of Open (Pending) Complaint Investigation Cases 12-Month Cycle

Month	0-30 Days	31-60 Days	61-90 Days	91-12 Days	121-180 Days	181-270 Days	271-365 Days	1-2 Years	2-3 Years	3-4 Years
October 2022	20	36	25	25	44	40	45	45	2	0
November 2022	24	18	30	23	42	49	43	49	2	0
December 2022	26	24	16	28	43	50	39	62	3	0
January 2023	27	26	13	26	48	57	39	73	3	0
February 2023	21	23	26	22	44	59	41	81	3	0
March 2023	19	19	21	26	27	67	48	77	3	0
April 2023	38	18	16	21	36	60	48	76	3	0
May 2023	51	37	18	15	42	47	50	66	3	0
June 2023	58	48	34	18	35	45	48	65	6	0
July 2023	26	57	47	34	32	46	46	65	7	0
August 2023	39	26	43	55	45	55	36	62	7	0
September 2023	25	37	24	41	89	45	33	73	5	0

Citations (Informal Enforcement Actions)

Number of Complaint Investigations Referred and Number of Citations Issued

Fiscal Year	Complaint Investigations Referred for Issuance of Citation	Citations Issued
2020/21	97	87
2021/22	105	87
2022/23	77	81
2023/24	18	16

Current Fiscal Year through September 30, 2023

Number of Citations Issued and Final

Fiscal Year	Issued	Final
2020/21	87	95
2021/22	87	85
2022/23	81	83
2023/24	16	19

Current Fiscal Year through September 30, 2023

Average Days Between Date of Issuance of Citation and Date Citation Becomes Final

Fiscal Year	Number of Days
2020/21	142
2021/22	125
2022/23	130
2023/24	353

Current Fiscal Year through September 30, 2023

Average Days from Opening of Complaint Investigation to Date Citation Becomes Final

Fiscal Year	Number of Days
2020/21	533
2021/22	475
2022/23	456
2023/24	795

Current Fiscal Year through September 30, 2023

Formal Disciplinary Actions Against Licensees

Number of Licensees Referred for Formal Disciplinary Action and Number of Final Disciplinary Decisions

Fiscal Year	Number of Licensees Referred for Formal Disciplinary Action	Number of Final Disciplinary Decisions
2020/21	30	38
2021/22	32	19
2022/23	37	14
2023/24	7	8

Current Fiscal Year through September 30, 2023

Average Days from Referral for Formal Disciplinary Action to Effective Date of Final Decision

Fiscal Year	Number of Days
2020/21	358
2021/22	419
2022/23	360
2023/24	382

Current Fiscal Year through September 30, 2023

Average Days from Opening of Complaint Investigation to Effective Date of Final Decision

Fiscal Year	Number of Days
2020/21	541
2021/22	747
2022/23	611
2023/24	668

Current Fiscal Year through September 30, 2023

IX. Strategic Plan Discussion

A. DEI Supplemental Strategic Planning Process

Summary of DEI Supplemental Strategic Planning Process

The Governor's Executive Order (N-16-22), directed state agencies and departments to take additional actions to embed equity analysis and considerations into its policies and practices, including but not limited to the strategic planning process.

Prior to contacting the Board, DCA SOLID worked with DCA's DEI Steering Committee to ensure our strategic planning process reflects our commitment to diversity, equity, and inclusion (DEI), including inclusive public engagement and enhanced data collection and analysis. In doing so, the Board will notice some changes to SOLID's strategic planning services and deliverables the next time the Board decides to develop a new plan.

While the Governor's order is being applied to new strategic plans, it also requires that DCA Boards/Bureaus update existing strategic plans. As such, SOLID has developed a modified strategic planning process to capture DEI data from the Board's stakeholders, provide an opportunity for the Board/Bureau to consider this data, and possibly make changes to the Board's existing strategic objectives.

As part of the new environmental scan process:

- DEI-specific questions:
 - These new questions, as developed by the DEI Steering Committee, appear in a new DEI section of the environmental scan survey.
 - SOLID's Environmental Scan Report now has a section dedicated specifically to these questions and the responses received.
 - SOLID will be asking Board members/Staff to review this data and consider incorporating DEI impacts in the current strategic objectives.
- Finally, optional demographic questions have been added to the survey:
 - These questions are being used department wide as part of various surveys and application processes. These are the same demographic questions currently established by the Department of Health Care Access and Information (HCAI) for our healing arts boards.

For this supplemental strategic planning process, SOLID will be surveying for responses only to these new DEI-related questions. This survey is anonymous, and responses are optional. Upon completion of the survey, SOLID will prepare a supplemental environmental scan report focused on the responses received to the DEI questions.

SOLID will then work with the Board to schedule a supplemental strategic planning session during which the Board will consider whether they want to modify any of the existing objectives, or perhaps add some new objectives, based upon the DEI survey data, training, and information they will receive.

X. Discussion regarding the Background of the Board's Actions Relating to the Structural Engineers Association of California's (SEAOC) "Significant Structures" Proposal from 2015 to Define the Type of Structures that are Required to be Exclusively Designed by Structural Engineers

Discussion regarding the Background of the Board's Actions Relating to the Structural Engineers Association of California's (SEAOC) "Significant Structures" Proposal from 2015 to Define the Type of Structures that are Required to be Exclusively Designed by Structural Engineers

Staff will provide an oral report regarding the history and background of the Board's actions relating to the 2015 proposal from the Structural Engineers Association of California's (SEAOC) "Significant Structures." Included in this packet for reference are the portions of the Board's Response to the Background Paper of the Committees on Assembly Business and Professions Committee and the Senate Committee on Business, Professions and Economic Development relating to this item from the Board's 2014-2015 Sunset Review and the Board's final response to the Committees.

amendments, there were concerns that the actual language proposed did not clearly articulate the requirements and responsibilities for the preservation of land surveying monuments and could result in confusion which could limit the Board's ability to enforce the provisions of this section. However, there was not sufficient time remaining in the legislative session for the Board to fully develop alternate language. Such language has now been developed and is ready to be presented for inclusion in legislation during the 2015-2016 Legislative Session.

Staff Recommendation: *The Board should recommend cleanup amendments for the above cited Business & Professions Code sections to the Committees.*

BOARD RESPONSE:

Recommended legislative language has been provided to the Committees' staff to accomplish the noted clean-up amendments.

ISSUE #18: DEFINITION OF SIGNIFICANT STRUCTURES AND REQUIREMENT THAT LIMITS THEIR DESIGN TO STRUCTURAL ENGINEERS. *Should "significant structures" language be added to BPC § 6735 that limits the design of these designated structures to licensed structural engineers?*

Background: The Board has been made aware a proposal by the Structural Engineers Association of California (SEAOC) to amend the Professional Engineers Act to require licensure as a structural engineer, rather than solely a civil engineer, for the design of "significant structures" in California. Some examples of "significant structures" include hazardous material facilities, fire and police stations, water storage facilities, aviation towers and hangars, and other critical buildings and structures that would be necessary for emergency operations or could result in a large number of injuries or deaths in the event of major earthquake.

The origins of this proposal are rooted in the concept that current and future buildings and other structures in California, and with them, the people of California, are at risk for injury and death due to the probability of moderate and major earthquakes occurring in populated areas. The training of structural engineers may be better suited to address the unique design considerations when dealing in seismically-active regions.

Currently, California law requires that public schools and hospitals be designed by licensed structural engineers. There has been a significant trend nationwide, especially in seismically-active states, expanding the requirement that designated "significant structures" be under the auspices of structural engineers. Washington, Oregon, Utah, and Nevada have this requirement. Illinois and Hawaii also have this requirement with limited exceptions.

The proposed change in the licensing law entails determining which "significant structures" require design exclusively by licensed structural engineers. SEAOC is currently working with the Board on specific language defining these structures. SEAOC plans to propose that currently

licensed civil engineers would continue to be able to design structures in this category and that this legislation would only apply prospectively to newly licensed civil engineers.

Staff Recommendation: *The Board and the engineering profession should engage in further discussion with the Committees regarding the appropriateness of this change.*

BOARD RESPONSE:

As requested by the Committees at the Board's Sunset hearing on March 18, 2015, the Board will help to facilitate discussions between the professional associations regarding SEAOC's proposal and will provide a status report to the Committees in 2016.

CONTINUED REGULATION OF THE PROFESSIONS BY THE BOARD

ISSUE #19: CONTINUED REGULATION BY THE BOARD. *Should the licensing and regulation of engineers, land surveyors, and geologists be continued and regulated by the current Board membership?*

Background: The health, safety and welfare of consumers are protected by the presence of a strong licensing and regulatory Board with oversight over Professional Engineers, Land Surveyors, and Geologists. The BPELSG has shown over the years a strong commitment to improve the Board's overall efficacy and effectiveness and has worked cooperatively with the DCA, the Legislature, and these Committees to bring about necessary changes.

Staff Recommendation: *Recommend that the licensing and regulation of the engineering, land surveying, and geology professions continue to be regulated by the current Board members in order to protect the interests of the public and be reviewed once again in four years to review whether the issues and recommendations in this Background Paper have been addressed.*

BOARD RESPONSE:

The Board greatly appreciates the Committees' recognition of its efforts to improve its operations and the continued support for our future endeavors. We look forward to working with the Committees and their staff over the next four years to accomplish the recommendations outlined in the Background Paper.



BOARD FOR PROFESSIONAL ENGINEERS, LAND SURVEYORS, AND GEOLOGISTS

2535 Capitol Oaks Drive, Suite 300, Sacramento, California, 95833-2944

Telephone: (916) 263-2222 – Toll Free: 1-866-780-5370

Facsimile: (916) 263-2246

www.bpelsg.ca.gov



February 4, 2016

The Honorable Jerry Hill
Member, California State Senate
State Capitol, Room 5035
Sacramento, CA 95814

The Honorable Susan Bonilla
Member, California State Assembly
State Capitol, Room 4140
Sacramento, CA 95814

RE: Significant Structures Proposal by the Structural Engineers Association of California

Dear Senator Hill and Assembly Member Bonilla:

This letter is in follow-up to the request made of the Board for Professional Engineers, Land Surveyors, and Geologists during its Sunset Review hearing to facilitate discussions with the Structural Engineers Association of California (SEAOC) regarding SEAOC's proposal to define "significant structures" and to restrict the design of such structures to only those individuals licensed by the Board as Structural Engineers.

The Board coordinated a meeting of its Civil Engineering and Structural Engineering Technical Advisory Committees (TACs) at which SEAOC could present its proposal. The members of the TACs, who are all licensed Civil Engineers and Structural Engineers, provided input to SEAOC's representatives regarding the specific language of the proposal. In addition, interested members of the public were able to attend the meeting and also provide input. It should be noted that it was made clear to all involved that the input from the TAC members did not constitute an official position of the Board and that the Board could only take an official position if and when legislation was introduced. It was also clarified that any legislative proposal would come from SEAOC and might not include all of the input from the TAC members.

Subsequent to the meeting, SEAOC advised the Board that it had made changes to its proposal based on the input from the TAC members and that it would be seeking input from other professional associations, such as ACEC-CA. SEAOC also expressed its appreciation to the Board for facilitating the meeting with its Technical Advisory Committees.

If you wish to discuss this matter further, please feel free to contact me at (916) 263-2285 or Ric.Moore@dca.ca.gov or the Board's Assistant Executive Officer Nancy Eissler at (916) 263-2241 or Nancy.Eissler@dca.ca.gov.

Sincerely,

Original Signed

RICHARD B. MOORE, PLS
Executive Officer

cc Robert Stockton, P.E., Board President
Karen Roberts, S.E., Board Member
Carl Josephson, S.E., SEAOC Representative
Mark Mendoza, Consultant, Senate Business, Professions & Economic Development Committee
Le Ondra Clark Harvey, Ph.D., Chief Consultant, Assembly Committee on Business and Professions

XI. Discussion of proposals from the American Council of Engineering Companies, California (ACEC-California) and California and Nevada Civil Engineers and Land Surveyors Association, Inc. (CELSA) to increase civil penalties for the unlicensed practice of land surveying, expanding Organizational Record requirements, strengthening Responsible Charge statutes and holding entities that hire unlicensed surveyors liable for unlicensed practice.

Discussion of proposals from the American Council of Engineering Companies, California (ACEC-California) and California and Nevada Civil Engineers and Land Surveyors Association, Inc. (CELSA) to increase civil penalties for the unlicensed practice of land surveying, expanding Organizational Record requirements, strengthening Responsible Charge statutes and holding entities that hire unlicensed surveyors liable for unlicensed practice (Possible Action)

Staff will provide an oral report to each topic presented in the proposal. Included in this packet for reference are a listing of recent legislative efforts and pertinent statutes/rules associated pertinent to the topics.

Recent Legislation related to unlicensed practice:

SB 1120 (Stat. 2022, Ch. 302) – repealed the provisions in the Professional Engineer’s Act and the Professional Land Surveyors’ Act (specifically in Sections 6738 and 8729) which allowed businesses engaging in any other endeavor from “employing or contracting” professional services “incidental to the conduct of business”. The Board sponsored this language.

SB 865 (Stat. 2020, Ch. 307) - related to “Dig Alert” and safe excavation practices. Board was active in ensuring that revisions related to “locate and field mark” language included a reference to the appropriate Business and Professions Code related to land surveying:

GC 4216.3(a)(6) Nothing in this section shall be interpreted to preempt the Professional Land Surveyors’ Act, as described in Chapter 15 (commencing with Section 8700) of Division 3 of the Business and Professions Code.

AB 3334 (2020 - Died in committee) – This proposal sought to revise land surveying language in both the Professional Engineer’s Act and Professional Land Surveyors’ Act related to the technical aspects of performing surveys. Board took position of Oppose unless Amended at its June 2020 Board meeting.

SB 556 (2019 – Died in committee) – This proposal sought to amend language related to the practice of land surveying (earlier versions) and included a requirement for firms to obtain a Certificate of Authority to offer land surveying services. Board took a position of Oppose at its June 2019 Board meeting.

Current statutes/rules related to topics for Board Member reference:

Business and Professions Code 125.9

(a) Except with respect to persons regulated under Chapter 11 (commencing with Section 7500), any board, bureau, or commission within the department, the State Board of Chiropractic Examiners, and the Osteopathic Medical Board of California, may establish, by regulation, a system for the issuance to a licensee of a citation which may contain an order of abatement or an order to pay an administrative fine assessed by the board, bureau, or commission where the licensee is in violation of the applicable licensing act or any regulation adopted pursuant thereto...

(b) The system shall contain the following provisions:

...(3) In no event shall the administrative fine assessed by the board, bureau, or commission exceed five thousand dollars (\$5,000) for each inspection or each investigation made with respect to the violation, or five thousand dollars (\$5,000) for each violation or count if the violation involves fraudulent billing submitted to an insurance company, the Medi-Cal program, or Medicare. In assessing a fine, the board, bureau, or commission shall give due consideration to the appropriateness of the amount of the fine with respect to factors such as the gravity of the violation, the good faith of the licensee, and the history of previous violations.

Board Rule, Section 472.1. Assessment of Administrative Fine. (Unlicensed)

(a) In no event shall the administrative fine be less than \$50 or exceed \$5,000 for each violation.

Board Rule, Section 473.1. Assessment of Administrative Fine. (Licensed)

(a) In no event shall the administrative fine be less than \$50 or exceed \$5,000 for each violation.

Business and Professions Code, Section 8729

(h) A current organization record form shall be filed with the board for all businesses engaged in rendering professional land surveying services.

Business and Professions Code, Section 8761.2

Notwithstanding the provisions of Section 8761, a registered civil engineer or licensed land surveyor who signs land surveying maps, plats, reports, descriptions, or other surveying documents shall not be responsible for damage caused by subsequent changes to or uses of those maps, plats, reports, descriptions, or other surveying documents, where the subsequent changes or uses, including changes or uses made by state or local governmental agencies, are not authorized or approved by the registered civil engineer or licensed land surveyor who originally signed the maps, plats, reports, descriptions, or other surveying documents, provided that the engineering or surveying service rendered by the civil engineer or land surveyor who signed the maps, plats, reports, descriptions, or other surveying documents was not also a proximate cause of the damage.

XII. Review and Approval of the 2023-2024 Sunset Review Report of the Board

XIII. Executive Officer's Report

- A. Rulemaking Status Report
- B. Update on Board's Business Modernization Project
- C. 2024 Board Meeting Schedule (**Possible Action**)
- D. Personnel
- E. ABET
- F. Association of State Boards of Geology (ASBOG)
 - 1. Report from 2023 Fall Annual Meeting
- G. National Council of Examiners for Engineering and Surveying (NCEES)
 - 1. Request from Aaron Blaisdell, PLS Washington State Board Member, for 2024-26 Western Zone Vice President Nomination (**Possible Action**)
- H. Update on Outreach Efforts

Rulemaking Status Report

1. Applications, References, Computation of Qualifying Experience, and Schedule of Examinations (16 CCR sections 420, 427.10, 427.30, 3021, 3022.2, 3023, and 3032)

- Staff working with Legal to prepare language for Board review.
 - Staff working on final text for submittal to DCA Legal in September 2022.
 - Staff working with DCA Legal to finalize proposal for notice (April 2022).
 - Submitted for initial (pre-notice) review by DCA Legal on December 6, 2021.
 - Board directed staff to pursue rulemaking proposal on November 8, 2021.

2. Definition of Traffic Engineering (16 CCR 404)

- Board staff will work with DCA Legal to prepare documents for initial notice in 2023.
 - Submitted for initial (pre-notice) review by DCA Legal on September 3, 2020.
 - Board directed staff to pursue rulemaking proposal on March 8, 2018.

3. Definitions of Negligence and Incompetence and Responsible Charge Criteria for Professional Geologists and Professional Geophysicists (16 CCR sections 3003 and 3003.1)

- Board staff will work on the pre-notice documents in 2023.
 - Board directed staff to pursue rulemaking proposal on September 6, 2018.

Note: Documents related to any rulemaking file listed as noticed for public comment can be obtained from the Board's website at: http://www.bpelsq.ca.gov/about_us/rulemaking.shtml.

PROJECT STATUS REPORT

Reporting period:	1/21/2020 – 11/1/2023	Project title:	Business Modernization Cohort 1
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EXECUTIVE SUMMARY

Narrative Summary of Status	Schedule:	GREEN	Budget:	GREEN	Issues:	GREEN
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The Maintenance & Operations (M&O) phase of project began July 2022 and expected to continue through 2024. M&O Fall 2023 Release included improvements to user experience, bug fixes, and technical changes for all programs. Current development is underway for structural engineer application first, to align with the planned change in NCEES exam administration, followed shortly by the traffic engineer and the geotechnical engineer application, all slated for M&O Winter 2023 Release by the end of 2023.

PROJECT MILESTONE STATUS REVIEW

Project Milestones	Status	Completion Date	Issues Exist (Yes/No)
Project Planning Complete – Project Start	Complete	1/13/2020	No
Go Live – Most Viable Product (MVP1)	Complete	9/16/2020	No
Go Live - Product Increment 2 (PI2)	Complete	1/20/2021	No
Go Live - Product Increment 3 (PI3)	Complete	6/16/2021	No
Go Live - Product Increment 3.5 (PI3.5)	Complete	11/10/2021	No
Go Live - Product Increment 4 (PI4)	Complete	4/29/2022	No

Go Live – M&O Increment 1 (PI5/M&O1)	Complete	10/12/2022	No
Go Live – M&O Increment 2 (PI6/M&O2)	Complete	2/28/2023	No
Go Live – M&O Increment 3 (PI7/M&O3)	Complete	4/18/2023	No
Go Live – M&O Fall Release	Complete	9/14/2023	No
Go Live – M&O Winter Release	In Progress	Dec 2023	No

2024 BOARD MEETING DATES

JANUARY

S	M	T	W	TH	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

FEBRUARY

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MARCH

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31					1	2
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APRIL

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28	29	30				

MAY

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JUNE

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JULY

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AUGUST

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SEPTEMBER

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30	31					

OCTOBER

S	M	T	W	TH	F	S
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NOVEMBER

S	M	T	W	TH	F	S
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24	25	26	27	28	29	30

DECEMBER

S	M	T	W	TH	F	S
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15	16	17	18	19	20	21
22	24	25	26	27	28	29
30	31					

KEY	HOLIDAYS	NCEES AND ASBOG EVENTS
<ul style="list-style-type: none"> Board Meeting Dates State Holidays 	<ul style="list-style-type: none"> • 1/1 New Year's Day • 1/15 MLK Day • 2/19 President's Day • 3/31 Cesar Chavez Day • 5/27 Memorial Day • 7/4 Independence Day • 9/2 Labor Day • 11/10 Veteran's Day • 11/23 - 11/24 Thanksgiving Holiday • 12/25 Christmas 	<ul style="list-style-type: none"> 5/16-5/18 NCEES WZ Meeting Bozeman MT 8/14-8/17 NCEES Annual Meeting, Chicago, IL 11/4-11/8 ASBOG Annual Meeting, Cheyenne, WY

Dear colleagues and members of the California Board –

It is with great enthusiasm and deep respect that I announce my candidacy for the position of NCEES Western Zone Vice President, as nominated by the Washington State Board. This is an exceptional and exciting opportunity, and I am truly honored to be considered for this role. Our Western Zone faces several critical challenges, as we strive to advance our mission of fostering collaboration and innovation among member boards. These challenges encompass a range of issues, including:



Resource Modernization: We must update and enhance the resources available to our member boards to keep pace with the ever-evolving surveying & engineering landscape.

Law Enforcement and Investigations: Sharing effective tools and best practices in these areas is crucial for maintaining the integrity of our profession.

Cross-Border Communication: Improving communication across borders is essential to ensuring that we are collectively addressing the unique needs of our diverse membership.

Mentoring for Greater Involvement: We need to mentor and encourage new board members, providing them with the guidance and resources needed for active participation within NCEES.

Knowledge Leveraging: We should harness the expertise of our existing members to amplify the influence of Western Zone member boards within NCEES.

If elected as your Western Zone Vice President, I am committed to dedicating my time and effort to address these challenges. I firmly believe in upholding the vision set by our zone member boards and ensuring that our zone maintains its position as a strong and influential force within NCEES. One of my primary objectives will be to streamline the examination application process, making it more efficient and accessible. I am a staunch advocate for our organization's mission and am passionate about preserving the quality and fairness of our examinations.

I look forward to the opportunity to serve as your Western Zone Vice President and work alongside all of you to overcome the challenges that lie ahead. With your support, we can strengthen our professional community and make it even more resilient and innovative.

At this time, I am asking you to second my nomination for NCEES Western Zone Vice President.


Sincerely,


Aaron Blaisdell, PLS - Board Member - Washington State

Candidate for Western Zone Vice President

QUARTERLY OUTREACH REPORT (Q1)

SOCIAL MEDIA: JULY- SEPTEMBER 2023

 TOP FACEBOOK POSTS	DATE	VIEWS
Land Surveying Survey Request	9/08	301
Meeting Materials posted for 10/3 Meeting	9/22	299
Geology Survey Request	10/13	250
Board Meeting Cancelled (Sept 21)	9/15	202
Notice and Agenda for 10/2 Meeting Posted	9/20	157

 TOP TWEETS	DATE	VIEWS
Recruiting Civils for Exam Development	7/10	197
Office of Administrative Law Approval of Fee Change	7/10	159
ASBOG ATT Emails Sent	8/25	139
Recruiting Civils for Exam Development	8/10	122
September 21 Board Meeting Cancelled	9/15	107

WEB PAGE VIEWS	VIEWS
License lookup	356,043
Board Home Page	185,818
Applicants Information	111,717
License Renewal Information	86,731
PE Application	81,293

OUTREACH EVENTS: JULY- SEPTEMBER 2023

All In-Person Unless Noted "Virtual"

KEY:

CEAC - County Engineers Association of California

CLSA - Calif. Land Surveyors Association

YMF - Young Members Forum

ASCE - American Society of Civil Engineers

YPG - Young Professionals Group

August 2023	
August 8	Professional Licensure in California: Napa Engineers Society (virtual) N. King, PE
August 9	PE Info Session; ASCE San Jose YMF (virtual) N. King, PE
August 24	CEAC Survey committee Sacramento D. Sweeney, PLS
August 29	Professional Licensure in California; HDR Southern California YPG (virtual) N. King, PE
August 30	PE Information Session; ASCE SF YMF N. King, PE
September 2023	
September 12	PE Information Session: Kimley Horn Young Professionals Organization N. King, PE
September 14	Presentation about Professional Licensure: HDR Sacramento office N. King, PE
September 20	CLSA Desert Chapter, Palm Desert D. Sweeney, PLS
September 21	Cal Poly Pomona Geomatics Conference D. Sweeney, PLS
September 21	Cal Poly Pomona school visit J. Goodwin, PG
September 25	FE/PE Info Session: ASCE San Jose Student Chapter N. King, PE
September 27	Professional Licensure in California: Fresno State YMF (virtual) N. King, PE

XIV. President's Report/Board Member Activities

XV. Approval of Meeting Minutes

A. Approval of October 3, 2023, Board Meeting Minutes

DRAFT

MINUTES OF THE BOARD FOR PROFESSIONAL ENGINEERS, LAND SURVEYORS, AND GEOLOGISTS

Department of Consumer Affairs
1625 North Market Blvd.
Hearing Room #102
Sacramento, CA 95834

Tuesday, October 3, 2023, beginning at 9:00 a.m.,

Board Members Present:	President Michael Hartley; Vice-President Christina Wong; Fel Amistad; Alireza Asgari; Cristina Garcia; Coby King; Guillermo Martinez; Betsy Mathieson; Wilfredo Sanchez; and Fermin Villegas
Board Members Absent:	Rossana D'Antonio; Frank Ruffino
Board Staff Present:	Ric Moore (Executive Officer); Nancy Eissler (Assistant Executive Officer); Tiffany Criswell (Enforcement Manager); Dawn Hall (Administrative Manager); Celina Calderone (Board Liaison); Christopher Pirrone (Legal Counsel)

I. Roll Call to Establish a Quorum

President Hartley called the meeting to order at 9:00 a.m., and a quorum was established.

II. Pledge of Allegiance

Vice-President Wong led everyone in the recitation of the Pledge of Allegiance.

III. Public Comment for Items Not on the Agenda

During Public Comment, Carl Josephson, representing SEAOC, introduced himself.

President Hartley welcomed Board member Cristina Garcia to the Board.

An individual identified as Dillon Helms presented a few items to the attention of the Board with the context of improving the licensing process. The first, is there a method to grant access to additional reviewers beyond the registrar specific to civil engineering, allowing applicants to discuss questions with the reviewers aside from the registrar. Secondly, is it possible to have the Board provide examples of what they believe is civil engineering experience in reference to each specific section of the definition of civil engineering. He believes this would be extremely helpful to applicants and alleviate a lot of the resubmittals that occur during the application process. The third item, he believes applicants should have the option to take the state specific exam in concurrence or directly following the NCEES exam. Lastly, the Board should provide verification on what within the NCEES exam qualifies as

civil engineering. The NCEES exam has a wide breadth of topics that applicants are tested on but in the eyes of the Board does not qualify as civil engineering such as scheduling and project management in general. When applicants take this exam and submit their experience, there is a disconnect on what applies within the eyes of California as civil engineering experience. He appreciates the opportunity to bring these to the attention of the Board.

IV. Legislation

A. 2023 Legislative Calendar

Ms. Eissler reviewed the legislative calendar. The session ended September 14, and the Governor has until October 14 to act on legislation.

B. Discussion of Legislation for 2023

1. Assembly Bill (AB) 883 – Business licenses: United States Department of Defense SkillBridge program. This bill is on the Governor’s desk.

This bill adds a provision to existing law related to expediting the licensure process for an applicant who served as an active-duty member of the military or the Armed Forces of the United States and was honorably discharged. This bill would add a provision that if the member was enrolled in the United States Department of Defense SkillBridge program, they could also qualify.

No action taken at this time.

2. Senate Bill (SB) 143 – State Government. (Ch. 196, Stats.2023)

This bill was amended in August to become a budget trailer bill. There are two provisions that affect the Board. The Governor signed the bill on September 13, 2023, and it became effective upon signing. One of the provisions would add Section 115.10 to the Business and Professions Code relating to federal law regarding “Portability of Professional Licenses for Service Members” and their spouses. There are federal laws that became effective January 1, 2023, that enable service members and their spouses to potentially register with a state licensing board to practice within that state without acquiring a license issued by that state. The federal law provided a few requirements that would need to be met to qualify but did not go into detail. The Department of Consumer Affairs worked with the legislature to add this section that details the information that must be provided, clarification of terms, and how to handle these types of requests. The Board has not received any requests under this provision.

The other section that the bill adds Government Code section 11133, which is part of the Bagley-Keene Open Meeting Act. This section has been in effect before. It authorizes state bodies to hold public meetings via teleconference without providing a physical location for the public to attend if certain conditions are met. The law was in effect during the pandemic but

has since expired as of July 1, 2023. This bill adds this section back into the Bagley-Keene Open Meeting Act, with a sunset date of December 31, 2023.

No action taken at this time.

3. SB 372 – Department of Consumer Affairs: licensee and registrant records: name and gender changes.

This bill requires a board to update a licensee’s records to include their legal name or gender if the person provides evidence that they have had a legal name or gender change for gender identity or domestic violence issues. The Board had a “support” position on this bill. The Governor signed this bill, and it will go into effect January 2024.

No action taken at this time.

4. SB 447 – GO-Biz: Building and Reinforcing Inclusive, Diverse, Gender-Supportive Equity Project. (Ch. 199, Stats.2023)

This bill repeals the section of the Government Code that bans travel to certain states. The Governor signed the bill on September 13, 2023. Section 11139.8 of the Government Code has now been repealed, and there are no longer prohibitions against travel to certain states. The Department of Consumer Affairs is working with the Governor’s Office and various other departments on what the boards can do about resubmitting their out-of-state requests to states that were on the banned travel list.

No action taken at this time.

5. SB 544 – Bagley-Keene Open Meeting Act: teleconferencing.

At its July 27, 2023, meeting, the Board changed its position of “Support” to “Watch” due to concerns with information that had been received regarding possible amendments. The bill was amended a few times after that meeting. The Governor signed this bill, and it will go into effect January 1, 2024.

Under the Bagley-Keene Open Meeting Act, the Board can hold an in-person meeting with no remote call-in option. Under this new provision, that is still allowed. There is also the more traditional teleconferencing process where Board members can be at different locations throughout the state, but each location must be noticed and open to the public and ADA accessible and the public must be able to hear and participate at each of those locations and there is no remote call-in option in that case. The new law adds a provision for a remote meetings but it requires that a majority of the Board be physically present in one location and the remaining members can participate virtually from their remote location that does not have to be listed on the notice and does not have to be open to the public. The one physical location where the majority of the Board members are meeting must be open to the public and the public must have the ability to participate.

In addition, there must be a remote option for the public where they can call in to participate in the meeting as well. Board members who participate remotely would have to be on video for the duration of the meeting unless they have technical difficulties such as broadband issues. Also, if a Board member has a disability that prevents them from traveling to the physical location, their attendance will count towards the majority even though they were not physically present.

Furthermore, if there are technical difficulties with the remote option that cannot be restored then the entire meeting must be cancelled and ended.

For advisory bodies, there would be a provision that would allow the committee members to all participate remotely with their locations not having to be disclosed to the public. There would have to be a physical location and a staff member would have to be present at that physical location and the public would have to be able to attend and participate in the meeting at the physical location as well as also having a remote option.

This bill will go into effect January 1, 2024.

No action taken at this time.

During public comment, an individual by the name of Dillon Helms agreed that it is best to be physically present; however, it is extremely valuable to have options to participate virtually or in-person.

V. Administration

A. Fiscal Year 2022/23 Budget Report

Ms. Hall, Administrative Unit manager, reported on the Fiscal Month 13 results for the prior Fiscal Year. She added that there are higher revenues than projected, and Board staff have been conservative in revenue projections. The increase in volume of initial applications and exam applications has contributed to the overage of the projected revenue.

VIII. Discussion regarding the Draft 2023-24 Sunset Review Report of the Board

A. Progress Update and Timeline

Ms. Eissler reported that managers and staff have been working on the Sunset Report in hopes to have it available for the November Board meeting. In the event there are more changes, it is recommended to schedule an additional Board meeting for December via teleconference. She suggested December 14th or 15th and asked for Board members to reserve this time on their calendars. Discussions and/or revisions from the November meeting will determine whether the Board will need to meet in December. After a show of hands, it was determined that the Board can meet the afternoon of Thursday, December 14th or the morning of the 15th as a backup since some members were not available to provide their preference.

B. Section 11 – New Issues

Ms. Eissler explained there is a portion in the Sunset Report where new issues can be presented as possible future topics. The Board may ask the Sunset Committees to include language and legislation in the Sunset bill. Other times, the Board simply wants to convey what they are considering in the event that the Board would like to present it. Ms. Eissler reviewed the following issues.

1. Continuing Education (Strategic Plan Objective 1.3)

One of the new issues is Continuing Education, Strategic Plan 1.3, explaining why the Board is looking at this topic. The Board is not requesting any action by the legislature at this time, but it is something that the Board is working on.

2. Experience In Lieu of Education Pathway to Certification/Licensure for Geologists-in-Training, Professional Geologists, and Professional Geophysicists

The other issue relates to being able to use work experience in lieu of education for certification or licensure for geologists-in-training, professional geologists, or professional geophysicists. The Board has gone through changes in statute and in regulations to try and clarify the educational requirements. She noted this is something that needs to be studied further to see how prevalent it is and determine whether or not the Board would seek legislation in the future.

During Public Comment, Rob McMillan expressed his concern in reference to the changes coming from NCEES for the Professional Land Surveyor examination moving into a modularization format and that there may be some issues related to legislation for clarification. Mr. Moore explained there would not need to be any statutory change.

Mr. Josephson added that one of the items SEAOC has been advocating for is the expansion of the type of structures that would be required to be designed by structural engineers. With the exception of California, the remainder of the west coast and a number of other states now require significant structures be designed by structural engineers. It is particularly true in the high seismic areas. One of the items SEAOC would like the Board to consider is the requirement for a structural engineer to design these types of buildings. He does not expect it to necessarily be in the Sunset report; however, it was discussed at the last Sunset hearing and believes it warrants another look.

Mr. Moore presented a joint letter from ACEC and CELSA to the two legislative chairs associated with the Assembly and the Senate Committees related to Sunset. Board Member King requested that the topics presented in the joint letter be on the next agenda for discussion.

Mr. Moore recommended that staff will continue to focus on what is necessary to get the Sunset Report prepared before the next Board meeting to allow the sub-committee an opportunity to review and provide feedback in time for discussion at the November Board meeting. There may be a few items that can be added to the Sunset Report discussion to see if it should be included in the Sunset Report or addressed separately from Sunset.

During Public Comment, Mr. Josephson reported that the Technical Advisory Committee (TAC) made good progress in terms of the definitions of Significant Structures. There was some opposition from what has been implemented in Oregon and Washington. He would like the Board to take a position on the proposal. However, the Board took the position that since there was no legislation that was introduced, the Board could not take a position.

VI. Enforcement

A. Enforcement Statistical Reports

1. Fiscal Year 2022/23 Update

Ms. Criswell, Enforcement Manager, reviewed the enforcement statistics. Mr. King noticed that over the last year and even to some extent over the last three years, that the open cases are significantly higher than the closed cases and the aging of cases is climbing. Ms. Criswell addressed these issues and explained that Connect is indeed adding to the number of complaints that are being received and opened. General intake has been remarkably increased and much more labor intensive due to insufficient information and documentation, anonymous complaints, and working through some file types that are not supported in Connect. The Enforcement Unit has a new analyst who is now trained; however, another employee took a promotional opportunity with another board. She does see his concerns and believes some changes need to be made. There is a singular large project case complaint with increased activity in the open complaint phase. With the accessibility in Connect to file a complaint online, it is adding to the increase in numbers, and she does not see a reduction in new cases. It will be a matter if the intake process moves quickly to not add to the increase in aging of cases. While she is pleased with the accessibility, this is a consequence.

During Public Comment, Alan Escarda representing PECG, reported that he has advised his team of the need for Subject Matter Experts.

VII. Exams/Licensing

A. 2023 Examination Update – First and Second Quarter Examination Results

Mr. Moore reported that ASBOG administered their exams for the first time via computer-based testing (CBT). Mr. King added that most of the statistics are in line; however the California Land Surveyors examination results have the highest pass rate in 5 years and the ASBOG Fundamentals of Geology and the

Geologist California Specific exam, the lowest in five years. Mr. Moore explained that there is a higher volume of applications and candidates sitting for the exams. As for the pass rates, Mr. Moore attributed the change in pass rate on the California Land Surveyor exam to the outreach being done by Dallas Sweeney, Staff Land Surveyor Registrar, helping candidates prepare for the examinations. As for ASBOG being at its lowest, he attributes it to being the first CBT for the Fundamentals of Geology and the practice of Geology. As for the California Specific examination, he believes it is due to the change in the test plan.

During Public Comment, Mr. Josephson announced that this month is the last paper and pencil Structural Engineering examination before going to computer-based testing next April 2024. Standard setting took place in South Carolina to set the cut scores for the new CBT breadth portion of the exam. The cut scores for the depth portion will take place in May 2024, after the exam is administered. There are 1,300 candidates set to take the examination, half vertical and half lateral and roughly one third of those candidates are from California.

An individual by the name of Jay relayed his comment via the WebEx moderator and inquired if there is a plan to improve the review time of the Civil PE applications. Mr. Moore responded that there has already been some improvement. Staff is finally starting to see a reduction in the civil engineering application backlog and currently are reviewing more applications than are being received on a monthly basis.

X. Executive Officer's Report

F. National Council of Examiners for Engineering and Surveying (NCEES)

2. Nomination for President-Elect

Former Board Member Mohammad Qureshi, participating virtually, reported that nominations for President Elect will be due around January 2024. He has served as Vice-President for the Western Zone for the last year and is requesting an opportunity to continue on the path to becoming the President-Elect next May in Montana which requires a nomination from the Board.

MOTION:	Vice-President Wong and Mr. Sanchez moved to nominate Dr. Mohammad Qureshi as NCEES President Elect.
VOTE:	10-0, Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
President Hartley	X				
Vice-President Wong	X				
Fel Amistad	X				
Alireza Asgari	X				
Rossana D'Antonio				X	
Cristina Garcia	X				

Coby King	X				
Guillermo Martinez	X				
Betsy Mathieson	X				
Frank Ruffino				X	
Wilfredo Sanchez	X				
Fermin Villegas	X				

During Public Comment, Mr. Escarda stated he received communication from one of their board members regarding item 9 in reference to experience in lieu of education for geologists. His concern is that you need field experience whether it is university or private work experience now to qualify for the PG and is concerned that when he attended school, field experience was not a requirement as part of the curriculum. Mr. Moore explained that what he described is one of the examples why people have difficulty meeting education criteria years after they have a degree.

VIII. Strategic Plan Discussion

A. Objective 1.3 Continuing Education Committee Report

Mr. Moore stated that he had provided more information to the sub-committee that consists of Vice-President Wong and Board Member D'Antonio in reference to information NCEES member boards have reported about continuing education requirements. In an effort to standardize continuing education unit requirements, NCEES has established continuing education competency guidelines. In addition, there is also information in ASBOG's model law for the sub-committee to review in preparation for another discussion. He also assembled a draft questionnaire survey to gauge interest levels from licensing stake holders in the state. Mr. Moore has received feedback from the sub-committee and Ms. Eissler and is making final changes.

B. Review of Objective 5.5 Ensure accessibility of information on licensure to the public to improve inclusion of underserved populations.

Mr. Sanchez presented the subcommittee's (Sanchez and Wong) proposed amended language for Objective 5.5. *Disseminate information on licensure and engage in outreach to underrepresented populations so as to increase diversity among our professions.*

C. Review of Objective 5.6 Collaborate with the Department of Consumer Affairs to identify a strategy to require a notice of complainants' rights to improve the public's awareness.

Mr. Sanchez presented the subcommittee's (Sanchez and Wong) proposed amended language for Objective 5.6.

Collaborate with the Department of Consumer Affairs to provide information to the public such that complainants are aware of how to properly file a complaint, understand the complaint process, and obtain awareness of the result of their complaints.

MOTION:	Mr. King and Ms. Mathieson move to adopt Objectives 5.5 and 5.6 as written with the following amendment to Objective 5.5. Strike “so as” and replace the word “our” with “the”.
VOTE:	10-0, Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
President Hartley	X				
Vice-President Wong	X				
Fel Amistad	X				
Alireza Asgari	X				
Rossana D’Antonio				X	
Cristina Garcia	X				
Coby King	X				
Guillermo Martinez	X				
Betsy Mathieson	X				
Frank Ruffino				X	
Wilfredo Sanchez	X				
Fermin Villegas	X				

X. Executive Officer's Report (Cont.)

A. Rulemaking Status Report

Mr. Moore reviewed the Rulemaking Status Report. No changes.

B. Update on Board’s Business Modernization Project

Mr. Moore explained the purpose of the Board’s Business Modernization Project to the new Board members.

The Board is currently in the Fall/Winter release. The fall release relates to accounting and cashing priorities that affect all programs, specifically, improvements to cashing renewals, application fees, and refunds. The Winter release will focus on structural engineer applications as staff is attempting to align it with the change over to the computer-based testing that NCEES is administering. The traffic engineer and geotechnical engineer applications are to come, and he anticipates they will be released at the same time. Mr. Moore is hopeful to have all three applications online by January 2024. The priority at that point will be back-office aspects of Enforcement.

C. Personnel

Mr. Moore announced a recent vacancy in the Board’s Enforcement Unit. One of the analysts, Angela Smith, left the board for a promotional opportunity.

D. ABET

Mr. Moore explained the mission of ABET. Senior Registrar Civil Engineer Natalie King and Vice-President Wong will be participating in ABET visits and will report back with their findings.

E. Association of State Boards of Geology (ASBOG)

1. 2023 Fall Annual Meeting, October 2023, Spokane, WA – Update

Mr. Moore reviewed the proposed slate of officers and the proposed budget. Ms. Mathieson and Mr. Goodwin, Senior Registrar, Geology, will be attending the Annual Meeting. Mr. Moore plans to attend virtually. Ms. Mathieson added that the reason there is not a lot to vote on is all the member boards had until October 1 to submit proposed agenda and action items. The full set of meeting materials is usually available electronically before the meeting. Ms. Mathieson is familiar with all the candidates, with the exception of the Secretary Candidate. At every Annual Meeting there is a financial report that includes a sub-report prepared by an independent CPA to review ASBOG's finances, and they reported that last year was favorable and anticipates it to be favorable this year as well. She speculates that some of the reduced expenses in the proposed budget are due to CBT rather than paper and pencil. Ms. Mathieson offered to take any concerns that the Board may have to ASBOG.

F. National Council of Examiners for Engineering and Surveying (NCEES)

1. 2023 NCEES Annual Meeting, August 15-18, 2023 – Report

Mr. Moore reported on the Annual Meeting that took place in Boston, MA. One of the discussions that took place was related to the Examinations for Professional Surveyors (EPS) Committee. The EPS motion was related to a topic originated by the Board in 2018 where the Board proposed separate examinations for certain aspects of surveying. The current committee made a motion to move in that direction. It was determined that due to the prior actions by the council in adopting this module, the motion was out of order and did not need to go to council for approval as the council had already approved it as they do not get involved in examination content. The Board of Directors voted to approve the motion from EPS, and it was pulled from the agenda.

The other major issue, NCEES commonly receives requests for funding, grants, etc. One of the organizations requesting financial assistance is Engineers Without Borders. In the past, the Board of Directors with NCEES would make the decision themselves as there were no rules, laws, or policies in place to direct them to present it to the council. The Board of Directors recommended presenting it to the council it because of the dollar amount which proved to be controversial. There was some initial funding disbursed but the request from council was that it needed to be monitored. Through discussions to improve the process, NCEES established the NCEES Foundation which is a separate organization under South Carolina laws specifically for the purpose of handling these types of requests and make decisions on the distribution of funds. The NCEES Foundation would have a Board of Directors appointed by the NCEES Board of Directors. Funding and reporting for the foundation would be managed jointly by the Board of Directors and the finance committee. They were finalizing

paperwork to establish a separate corporation and put forth \$7 million in the proposed budget to establish the foundation. Their justification was they needed to establish enough of a foundation of funding that the interest earned would be the only funds used. Their reserves are in the range of \$40-\$50 million dollars. The budget motion is always the last to be discussed as the actions taken during the meeting can affect the budget. A request for an amendment was made to approve the budget striking out the \$7 million dollars for the NCEES Foundation. However, after several votes, the \$7 million dollars was allocated for the foundation.

President Biden met with the Prime Minister from the UK and established an agreement to work together and share resources across both countries, one of them being engineering resources. NCEES is attempting to work with the UK to develop a memorandum of mutual reciprocity. The UK does not license engineers; they have what is referred to as a Charter. The Board was contacted by the San Francisco representative of the UK diplomatic office prior to the Annual Meeting. They are looking to establish mutual recognition with any of the states and they are receptive of differences in licensing requirements. The Board is waiting to see what NCEES establishes before a recommendation, if any, can be presented to the Board for consideration.

President Hartley reported on a unique presentation that focused on the business side of land surveying. A presenter at the conference suggested that land surveyors do not charge enough and decided to operate his business and figure out the value of his services and charge accordingly. The presenter reported that there are currently, 34,000 surveyors in the United States, 1.1 million attorneys, and 3 million real estate agents. He believes surveyors should be able to charge a premium since there are few. President Hartley believes land surveyors love the profession but may not be business minded.

Vice-President Wong reported that she joined the Law Enforcement program and attended a body language course. She expressed the importance of public members and their role in public protection.

Mr. Moore reported that an item was pulled from the consent calendar as it relates to Bylaws Motion 1 pertaining to who is eligible to be president elect of the NCEES. Historically, it has been an active licensed engineer or surveyor member of a licensing board. The proposal, based on prior discussions would be to add an active public member of a member board to be eligible to be president elect. The motion failed.

G. Update on Outreach Efforts

Mr. Moore reviewed the outreach events.

During Public Comment, Mr. Escarda stated his appreciation for Board staff, specifically Ms. King and Senior Registrar Electrical Engineer Mike Donelson, for their outreach efforts.

Rob McMillan, representing CLSA, echoed Mr. Escarda’s comments. In September, Senior Registrar Land Surveyor Dallas Sweeney provided outreach to Cal Poly Pomona. He appreciates everything the Board does.

XI. President’s Report/Board Member Activities

Mr. King reported that last year he served on the NCEES Special Committee on Bylaws. This year he was appointed to the Advisory Committee on Council Activities (ACCA) and is the only public member on the committee.

Vice-President Wong attended the NCEES Annual Meeting and will be attending an ABET visit next week.

Ms. Garcia introduced herself and shared that she is a cyber security risk specialist for a local utility company and she has a background in law.

Dr. Asgari requested to have significant structure requirements added to the next agenda.

XII. Approval of Meeting Minutes

A. Approval of July 27, 2023, Board Meeting Minutes

MOTION:	Mr. King and Mr. Martinez moved to approve the July meeting minutes.
VOTE:	9-0-1, Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
President Hartley	X				
Vice-President Wong	X				
Fel Amistad	X				
Alireza Asgari	X				
Rossana D’Antonio				X	
Cristina Garcia	X				
Coby King	X				
Guillermo Martinez	X				
Betsy Mathieson	X				
Frank Ruffino				X	
Wilfredo Sanchez			X		
Fermin Villegas	X				

XIII. Closed Session – The Board met in Closed Session to discuss, as needed:

- A. Deliberate on a Decision(s) to be Reached in a Proceeding(s) Required to be Conducted Pursuant to Chapter 5 (commencing with Section 11500), as Authorized by Government Code Section 11126(c)(3)
- B. Confer with, or Receive Advice from, Its Legal Counsel Regarding Pending Litigation Pursuant to Government Code Section 11126(e)(1) and (2)(A), on the following matters:
 1. Matt Aston, Freddy Espinal, Jesse Moorhouse, Ground Penetrating Radar Systems, LLC v. Board for Professional Engineers, Land Surveyors, and Geologists, Sacramento Superior Court Case No. 34-2020-80003553
 2. Ryan Crownholm, et al. vs. Richard B. Moore, et al., United States District Court, Eastern District of California, Case No. 2:22-cv-01720-DAD-CKD
 3. Roy Allen Olsen, et al. v. California Board of Professional Engineers, Land Surveyors and Geologists, et al., Sacramento County Superior Court. Case No. 34-2022-00328379

XIV. Adjourn

The meeting was adjourned at 4:00 p.m.

PUBLIC PRESENT

Carl Josephson, SEAOC

Alan Escarda, PECG

Rob McMillan, CLSA

XVI. Adjourn
